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Chairman: Mr. Butagira ..... (Uganda)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 2.35 p.m.

Agenda item 71: Human rights questions (*continued*) (A/60/40, 44, 129, 336, 392 and 408)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/60/134, 266, 272, 286, 299, 301 and Add.1, 305, 321, 326, 333, 338 and Corr.1, 339 and Corr.1, 340, 348, 350, 353, 357, 374, 384, 392, 399 and 431; A/C.3/60/3)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/60/221, 271, 306, 324, 349, 354, 356, 359, 367, 370, 395 and 422; A/C.3/60/2)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/60/36 and 343)

1. **Mr. Siv** (United States of America) said that universal human-rights standards recognized the intrinsic and inalienable dignity of the human person, and the rights that stemmed from that dignity. Governments were responsible for safeguarding those rights. The Member States were responsible for promoting their protection.

2. In the previous two years alone, freedom had come to more and more people around the world, with peaceful protest, ballot boxes and draft constitutions seen in such countries as Afghanistan, Georgia, Iraq, Lebanon and Ukraine despite the cynicism of sceptics and the oppression of autocrats. However, challenges and obstacles remained, and freedom was fragile. Promoting it was the calling of the present era and of the Committee. The United States, whose liberty depended on the growth of liberty in other countries, was putting forward ideas and initiatives to help implement the collective pledges of the 2005 World Summit. To that end, it would introduce a draft resolution entitled "The incompatibility between corruption and the full enjoyment of human rights".

3. Corruption was a challenge to democracy and to the enjoyment of human rights: political and electoral corruption reduced accountability and representation in the political system, judicial corruption undermined the rule of law and the rights and safety of the individual citizen, and public-sector corruption created unequal access to public benefits. The reputation and legitimacy of politicians and public authorities suffered, both locally and internationally. Moreover, corruption hit the poorest and weakest the hardest of all: they could not afford bribes or offer other remuneration to safeguard their rights; that hampered their access to schools, fair judicial treatment and political influence and reinforced social disparities and marginalization.

4. Independent media and an active civil society were vital to the success of the fight against corruption, which was more easily prevented and detected in a transparent environment. Elections were the first step to ensuring the democratic process and government accountability to the citizen. To that end, the United States would introduce a biennial draft resolution on elections to commend United Nations monitoring activities and encourage Member States to continue contributing to that vital effort.

5. Guided by the 2005 World Summit, the United States was also active in the process of developing the Human Rights Council, which should use dialogue and cooperative assistance to help countries to meet their human-rights commitments, quickly address urgent or continuing human-rights violations and provide capacity-building resources for countries seeking to strengthen their domestic human-rights protection. It must be both representative and effective, with a strong, committed and smaller membership. Ultimately, the Member States should not make room on the Council for countries which sought to undermine the effectiveness of the Organization's human-rights machinery — much less Governments under Security Council sanctions or investigation for human-rights reasons.

6. **Mr. Paolillo** (Uruguay) said that his Government fully supported the doubling of regular-budget resources allocated to the Office of the United Nations High Commissioner for Human Rights (OHCHR) proposed in the outcome of the 2005 World Summit. International cooperation played an important role in improving the protection and promotion of human rights: with the assistance of OHCHR, the United Nations Development Programme (UNDP), a national NGO and its own legislature, Uruguay had launched a review of its legislation aimed at ensuring conformity with international instruments to which it was a party.

7. The interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/60/316) had drawn attention to the use of corporal punishment as an administrative or judicial penalty, taking the view that such practices as flogging, beating, amputation and stoning violated binding international instruments as well as what had been accepted as *jus cogens* and must be addressed at the global level and without delay. Uruguay found practices involving corporal punishment unjustifiable on any grounds, whether religious, cultural or related to deterrent value. The issue should not be confused with any cultural specificities, which his Government respected and had no intention of attacking.

8. Regarding the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/60/266), Uruguay believed that the special procedures of the Commission on Human Rights could be applied. For its part, Uruguay had taken action, including accessibility improvements in Montevideo, and urged that the Ad Hoc Committee should continue its work on the draft convention.

9. **Mr. Kim** Moon-hwan (Republic of Korea) said that the Organization's leading role in establishing human-rights standards and translating them into reality, as confirmed by the 2005 World Summit, had advanced such rights and made them a central issue in international relations. However, severe abuses of human rights continued. In Africa, for example, protracted conflicts threatened the right to freedom from arbitrary detention and the fundamental right to life. The Middle East, despite political, legal and social reform, experienced ongoing conflict and violence. In Asia, though democratic systems of government were spreading, dictatorship and human-rights abuses persisted in some countries.

10. While the number of despotic regimes in the world had decreased, their violations of human rights were unlikely to change, as they rejected requests for dialogue and cooperation despite knowing that translating the recommendations of the Organization into action would gain them recognition in the international community.

11. Primary responsibility for implementing human rights lay with Governments. Recognizing the importance of national initiatives, his own Government had taken the groundbreaking step of abolishing the family-headship system, so removing the emblem of male-dominated society and dismantling the very architecture of discrimination against women in the Republic of Korea's society. Other reforms had targeted criminal-procedure legislation and the arrangements governing foreign nationals. The Government had examined the status of accession to international human-rights treaties, and was embarking on a review of reservations to those treaties. The National Human Rights Commission, an independent institution, was formulating a human-rights action plan and making recommendations to the Government on topical issues such as undocumented workers, anti-discrimination legislation and the right to information.

12. As the Secretary-General had indicated, the past focus on articulating, codifying and enshrining human rights was giving way to a focus on implementation. However, with repeated failures to deal promptly with massive, widespread violations of human rights around the world, the United Nations was often criticized as dysfunctional and unresponsive to people's needs. The three central pillars of its human-rights system — the treaty bodies, OHCHR and the intergovernmental machinery — should be addressed, with the participation of stakeholders and without delay. The Republic of Korea hoped that the Human Rights Council would be established rapidly.

13. **Mr. Baum** (Switzerland), supporting the idea of a Human Rights Council, said that Switzerland was disappointed at the lack of detail regarding that proposed body in the 2005 World Summit outcome document (General Assembly resolution 60/1). It hoped to see the Human Rights Council acquire the status of a subsidiary organ of the General Assembly, be given a more topical agenda than the Commission on Human Rights, and meet several times per year in Geneva. A higher status, the ability to make recommendations to other bodies and a less selective approach based on peer review would increase its legitimacy and efficiency and help to translate into action the desire expressed in the 2005 World Summit outcome document to place security, human rights and development on an equal footing.

14. Aware that 2005 marked the tenth anniversary of the Fourth World Conference on Women and the fifth anniversary of Security Council resolution 1325 (2000) on women and peace and security, Switzerland took the

view that peace processes could not succeed unless women were given a voice in them. It supported national efforts, deployed through action plans, to reinforce a common commitment to the goals of the resolution.

15. States bore the primary responsibility for enforcing, promoting and implementing human rights, but some Governments lacked the capacity — and sometimes the will — to halt the all-too-frequent violations of those rights. Other actors, such as civil society and the private sector, also had a role to play. It would be useful to define the private sector's responsibilities in connection with human rights, without that being either an extra burden or a way for States to evade their duties. Switzerland welcomed the appointment of a Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises as a constructive contribution to promoting and protecting human rights.

16. Switzerland was pleased that Commission on Human Rights resolution 2005/78, which had resulted from a Swiss initiative, had led to a successful mission to Nepal by OHCHR. While the ceasefire declared in the country would offer an opportunity for peaceful settlement of the conflict and respect for human rights, new measures restricting civil liberties would worsen the situation. It hoped that the parties to the conflict would continue to cooperate with the United Nations human-rights bodies. Switzerland had also proposed to the Commission on Human Rights a draft resolution requesting a study of human rights in societies in transition. It would work to ensure that the future Peacebuilding Commission worked with OHCHR to establish the rule of law and respect for human rights in such societies.

17. Switzerland supported the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide and believed that, in order to be effective, he must be able to approach the Security Council or other relevant bodies, such as the future Human Rights Council. Having extended a standing invitation to all the special procedures of the Commission on Human Rights, Switzerland looked forward to the visit in 2006 of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

18. **Mr. Pekarchuk** (Ukraine) said that the decision to establish a Human Rights Council able to address human-rights violations was a major step brought by the 2005 World Summit. Applauding the creation of the United Nations Democracy Fund, he took the view that the Fund, together with the United Nations Democracy Caucus, would advance democratic reform and the mainstreaming of human rights among the Member States.

19. The Human Rights Council should be given a prominent status, restoring human rights to the central position given to them in the Charter. It must have a broad mandate, dealing with all human rights in all parts of the world; that also implied placing economic, social and cultural rights on a par with civil and political rights. The Human Rights Council's relationship with the Third Committee must be carefully debated; perhaps the Council alone should deal with human rights. An efficient division of labour between the Human Rights Council and the General Assembly should also be worked out: perhaps the General Assembly should draft standards and develop instruments, while leaving reviews of implementation of such standards and instruments to the more action-oriented Council.

20. Following the Orange Revolution, the Government of Ukraine had placed human dignity, freedom, justice, democracy and the rule of law at the centre of its domestic and international agendas; it had put forward regional initiatives to exchange experience and strengthen democratic principles and had proposed a Community of Democratic Choice which would meet for the first time in Kyiv in December 2005.

21. As a country of many intertwined ethnic and religious communities which had experienced genocide through the Holocaust and the artificially created famine of the 1930s known as the Holodomor, in addition to forced relocation and deportation, Ukraine understood the threat to society and the individual of intolerance and discrimination. The non-violence of the Orange Revolution had perhaps reflected that understanding. Ukraine would work to reinforce inter-ethnic and inter-confessional harmony and tolerance, and to spread recognition of the Holodomor as genocide.

22. Finally, while Ukraine was pleased that the 2005 World Summit had raised the issue of trafficking in human beings, particularly women and girls, all States

must be more active in fighting that form of slavery and in providing help for its victims.

23. **Mr. Chowdhury** (Bangladesh) said that all human rights were equally important and that a holistic approach was called for, since they were the basis for democracy, respect for the rule of law, peace and the right to development. Bangladesh was a party to all the major international human-rights instruments, and had undertaken all possible measures for their implementation, including creating machinery, formulating new policies and programmes, and modernizing legislation.

24. His Government accorded the highest priority to the empowerment of women, and had adopted legislation to protect children and women from abuse and discrimination. It had established a committee to combat trafficking and an independent commission to fight against corruption. Measures were under way to create an independent human-rights commission and an ombudsman's office. The separation of the judiciary from the executive was also in progress. At the regional level, his country had ratified the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

25. His country supported the establishment of the United Nations Democracy Fund and the strengthening of the United Nations human-rights machinery, including the initiative to establish a Human Rights Council to replace the Commission on Human Rights.

26. **Mr. Rokolaqa** (Fiji) noted that the key challenge of the Plan of Action of the High Commissioner for Human Rights was to promote the implementation of international human-rights norms at the country level. The Fiji Human Rights Commission had been established to educate the public and make recommendations. One of the main goals of the Constitution was to achieve equal employment opportunities for all, and that had led to the social justice act of 2004. Parliament was required to provide equal access to services such as education, land and housing and equal participation in decision-making. He acknowledged the contribution of OHCHR to the establishment of a race-relations unit within the Fiji Human Rights Commission. The presence of a senior human-rights officer in the national office of UNDP would strengthen the Organization's work for human rights in the subregion.

27. In December 2004 Fiji had hosted an international round table on the role of national human-rights institutions in promoting good governance.

28. It welcomed the efforts of OHCHR to empower women worldwide. The Government, for its part, had made concerted efforts to reduce violence against women. If requested, it would assist others in the Pacific region in the area of women's rights. Governments should also ensure that indigenous groups had free and equal access to the courts, to ensure full recognition of their human rights.

29. Lastly, he said that Fiji endorsed the proposal to set up a Human Rights Council, and recommended that its membership should be widely representative.

30. **Mr. Grigore** (Republic of Moldova) welcomed the fact that a human-rights-based approach had been introduced into the work of all the United Nations agencies. He commended the 2005 Millennium Review Summit's decision to double the resources of OHCHR over the next five years, and its decision to establish a Human Rights Council.

31. His country acknowledged, however, that primary responsibility for promotion and protection of human rights rested with Governments. With the assistance of UNDP, his Government had adopted a human-rights action plan which envisaged concerted action for the purpose of improving the legal framework, strengthening democratic institutions and increasing public awareness. The Plan emphasized education in human rights in order to create a human-rights culture. To that end, the Government had cooperated with various national and international non-governmental organizations.

32. His Government was working to bring the national laws into line with European standards. With the assistance of the European Union, it had started to implement an action plan for integration into the economic and social structures of Europe and ratification of or accession to the major United Nations human-rights conventions.

33. The Government could not, however, ensure full protection of human rights to the entire population, owing to the unresolved internal conflict which continued to divide the country. In the Transdnistrian region, controlled by an authoritarian separatist regime, human rights were being systematically violated. Repressive measures had been taken against freedom

of speech, the press and religion, political opposition parties and property rights. Arbitrary detention was widespread.

34. Schools using the Latin script in that region had been closed and sacked, but international pressure had enabled most of them to reopen. Farmers from the sensitive security zone had been denied access to their land. In Tiraspol about one thousand detainees in a penitentiary had gone on hunger strike to protest against inhumane conditions, but no effective medical assistance had been provided. Furthermore, the European Court of Human Rights had ruled in 2004 that two people convicted in 1993 by an illegal court should be released, and called for an end to their arbitrary detention, but the responsible authorities in the Russian Federation had failed to comply.

35. The international community had a responsibility to protect human rights, and when necessary should apply political, economic or judicial measures against those guilty of human-rights violations.

36. **Mr. Al-Enezi** (Kuwait) cited measures illustrating the great importance attached by his Government to human rights. Since 2001 the National Assembly had produced an annual report on complaints of human-rights violations. The Kuwaiti association on human rights, established in 2004, had already played a vital role in defending human rights and alleviating the suffering of victims. A number of measures had been taken to protect the rights of migrant workers, including an agreement on minimum wages and a unified contract for domestic employment. Furthermore, a memorandum of understanding had been concluded with the International Committee of the Red Cross to establish a regional centre for training judges and prosecutors in the field of international humanitarian law.

37. He noted from the report of the Special Rapporteur on the independence of judges and lawyers (A/60/321, para. 42) that the Special Rapporteur had expressed concern about the proceedings taking place before the Iraqi Special Tribunal for the trial of members of the former regime and also about the legality of that body. Kuwait wished to point out that the Tribunal had been established in accordance with legislation adopted by the Interim Government of Iraq, which had been endorsed by Security Council resolution 1546 (2004). Those indicted had violated human-rights law and international humanitarian law and some had committed massacre during the invasion of Kuwait in 1990. His Government welcomed the trial of all officials of the former Iraqi regime for their crimes against humanity, especially those perpetrated against the Iraqi people.

38. The report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/60/271), and the report of the High Commissioner for Human Rights on the issue of Palestinian pregnant women giving birth at Israeli checkpoints (A/60/324) both provided clear evidence of the suffering of the Palestinian people and the continuing violation of human rights by the Israeli authorities.

39. Lastly, he supported the decision to establish a Human Rights Council, as there were currently insufficient mechanisms to protect human rights.

40. **Mr. Oubida** (Burkina Faso) said that his country had created a strategic framework to combat poverty and was striving to achieve the Millennium Development Goals, paying special attention to education and health. Given the link between human rights and development, the Government had created a ministry for human rights in 2002.

41. It welcomed the increased importance attached to human rights within the United Nations, and viewed the decision to create a Human Rights Council as an appropriate response to concerns about the effectiveness of the United Nations in protecting human rights. The new Council must be open and inclusive, and even-handed in its treatment of all types of human rights, including the right to development, while ensuring that issues were not manipulated for political purposes. His country was also participating in the negotiations on the reforms recommended by the Millennium Summit.

42. Migration from developing countries to developed countries had reached extraordinary proportions. Thousands of African migrants were attempting to cross into Europe in the quest for better economic conditions and despite grave dangers. More tolerable regulations should be introduced concerning the repatriation of migrants, who were at times subjected to inhumane treatment.

43. Burkina Faso was much affected by migration issues, as millions of its nationals lived abroad, while in its own territory it had to deal with illegal

immigration, massive repatriation of its nationals from Côte d'Ivoire and migrants in transit. It had invited the Special Rapporteur on the human rights of migrants to make an official visit, which had taken place in February 2005, shortly before the end of her mandate, and her assessment of the situation was eagerly awaited.

44. **Mr. Westmoreland** (Malaysia) said that his delegation welcomed the new approaches in the Plan of Action submitted by the United Nations High Commissioner for Human Rights and hoped that the Office of the High Commissioner would be able to assume its responsibilities while mindful of the close interrelationship between development, security and human rights. It was therefore pleased that the Plan of Action had acknowledged that linkage.

45. He agreed with the view that the right development was a right to a particular process of development in which all human rights could be fully realized. In effect, the realization of all those interdependent rights depended on people's access to the goods and services necessary for the enjoyment of those rights. It was impossible to ignore the plight of the Palestinians in the Occupied Territories and the blatant violations of human rights perpetrated by the occupying forces. The international community should give its urgent attention to the inhumane treatment inflicted upon the Palestinians, especially women and children. The focus of attention on Israel's withdrawal from Gaza had allowed Israel to continue building the separation wall in Palestinian territory, the expansion of settlements and the de-Palestinization of Jerusalem with virtually no criticism.

46. The Government of Israel had paid no heed to the International Court of Justice's advisory opinion that the separation wall was contrary to international law and that construction on it should cease. The wall had serious consequences for Palestinians who were separated from their agricultural land and forced to leave the homes they had occupied for generations. Regrettably, little effort had been made by the international community to compel Israel to comply with its legal obligations. His delegation urged the more influential Member States to do their utmost to persuade Israel to put an immediate end to the violations of Palestinians' human rights.

47. The special-procedures system played an important role in the promotion and protection of human rights and it was essential that independent experts should, in fulfilling their mandate, comply with principles of fairness, objectivity and non-selectivity. Malaysia firmly believed that the guarantee of an individual's fundamental rights constituted the cornerstone of governance. Consequently the human rights of every Malaysian citizen were enshrined in the Constitution.

48. **Mr. El-Ghernougui** (Morocco), speaking on the human rights of migrants, said that migration was a complex phenomenon caused by poverty and instability and exacerbated by the North-South divide and unequal development. Illegal immigrants from Sub-Saharan Africa were in a particularly precarious situation owing to various factors, including their exploitation by trafficking networks, which tried to send such people via Morocco to Europe. The Kingdom of Morocco believed that poverty, famine, armed conflicts and unemployment — the main reasons for illegal migration from Sub-Saharan Africa — must be given proper consideration and incorporated into economic-development programmes. The problem also needed to be addressed from various angles, hence the shared responsibility of countries of origin, transit and destination.

49. To address illegal immigration to Europe, it was also necessary to target the "mafia" behind human-trafficking networks. For that reason, Morocco had made combating such networks a priority, stepping up efforts on the ground and setting up several institutions aimed at protecting the human rights of migrants. Since January 2005, the Moroccan security services had dismantled more than 300 trafficking networks. Morocco had also promulgated a law on the entry into and stay in Morocco of foreign nationals and set up a migration office at the Ministry of the Interior, in addition to allocating additional resources. Morocco also sought to strengthen cooperation with countries affected by illegal immigration and had adopted a comprehensive strategy that addressed both security and socio-economic issues, through sustainable-development programmes in partnership with the countries concerned and with media and civil-society involvement in efforts to raise awareness of the dangers of illegal immigration. A security-based approach alone would not solve the problem.

50. Notwithstanding the importance of protecting the rights of migrants, Morocco had a sovereign right to maintain public order. Morocco was the main victim of

illegal immigration in Africa, as many illegal immigrants entered the country with a view to reaching Europe. Morocco could not integrate or find work for such people and, like all States, had a sovereign right to protect its internal security. Illegal immigrants from Sub-Saharan Africa were repatriated only following a judicial procedure that respected their human rights. While awaiting their voluntary repatriation, they were given accommodation, food and medical assistance, despite his country's limited resources.

51. Sub-Saharan migration affected Africa and Europe alike, and cooperation among countries on both sides of the Mediterranean was therefore essential. A Euro-African meeting was needed to lay the foundations for a multilateral framework for dialogue and cooperation among the European Union, the countries of the Maghreb and the primary Sub-Saharan countries of origin. In that regard, Morocco had agreed to convene an Afro-European ministerial meeting in Rabat which would examine the various aspects of illegal migration and seek to establish mechanisms for migration management on the basis of a partnership that took account of the relationship between migration and development and in the context of the current European Union debate on migration management. In that regard, a regional meeting aimed at establishing a common policy on illegal immigration in the context of South-South cooperation would enable the countries concerned to adopt complementary policies and to submit concrete proposals to Europe. He called for a comprehensive policy that took account of the needs of both African and European countries.

52. **Mr. Chidyausiku** (Zimbabwe) said that on many occasions in the past his delegation had spoken about the interconnectedness of human rights and the need to treat all human rights equally, and called on the Committee to reject what it saw as the deliberate tendency by some Member States and groups to create a hierarchy of rights. In that connection, his delegation was encouraged that the 2005 World Summit outcome document (General Assembly resolution 60/1) reaffirmed the indivisibility of all human rights (para. 13) and that consultations were ongoing concerning the creation of a Human Rights Council, which would be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner (para. 158). His delegation hoped that dialogue and cooperation would be the tools of choice of the Human Rights Council and other human-rights bodies. Such an approach would hopefully do away with the selectivity, double standards and hypocrisy that had characterized the human-rights agenda thus far, while creating partnerships and removing the unhelpful labels of accuser and accused. However, old habits died hard. Even though many delegations, including his own, had warned against turning the Committee into an instrument of foreign policy, some countries and groups continued to abuse the Committee by seeking to settle political scores, causing it to become entangled in unrelated issues.

53. As usual, the European Union had made very negative comments about his country and others and pontificated about the observance of human rights as if its own member States were without blemish. Its members would significantly improve their credibility if they began by looking at themselves and addressed such issues as the gross abuses of the rights of refugees in a growing number of European Union countries; the ill-treatment of minority groups such as the Roma; and human-rights violations by their own forces and others in Iraq, Afghanistan and Guantánamo Bay. According to Amnesty International, racism and discrimination were a significant problem in Europe, and the European Union had paid no more than lip service to protecting human rights in the fight against terrorism.

54. The European Union had waxed lyrical about the human-rights situations in selected developing countries but saw nothing wrong with some of its members drawing up legislation that would allow for indefinite detention without trial and the use in court of secret intelligence evidence that had potentially been obtained through torture or other cruel, inhuman or degrading treatment. They were clearly concerned not about human rights, but about promoting and preserving their own selfish interests. However, the unintended contribution of States that selectively targeted countries had been to highlight the need to depoliticize the human-rights agenda and seriously consider the proposal for a universal periodic review.

55. **Mr. Saeed** (Yemen) said that, despite the efforts of the international community, human-rights violations were still occurring in the form of racial discrimination, violence against vulnerable population groups, extrajudicial killings and executions. The international community should therefore unite its efforts to implement the Millennium Development

Goals and the World Summit outcome document (General Assembly resolution 60/1) as well as international human-rights instruments, since without human rights there could be no development, security or stability.

56. Yemen attached great importance to human rights and had ratified the related international instruments and incorporated them into national legislation. The Government was organizing seminars to promote public awareness of humanitarian law and had established an independent ministerial portfolio for human rights.

57. In accordance with his country's commitment to the Paris Principles (General Assembly resolution 48/134) it would be establishing an independent commission on human rights in the future. The most important of the many national institutions concerned with the protection of human rights was the Committee of the Assembly of Representatives on General Rights and Freedoms which had the task of monitoring the conformity of national legislation with Yemen's international obligations and to investigate any violations of human rights. The National Council for International Humanitarian Law reviewed legislation with a view to its conformity with international humanitarian law and made proposals for legislation to keep pace with change. In addition, a number of bodies had been created for the advancement of women.

58. Yemen's concern for public and private human rights had been enshrined in legislation in accordance with the Constitution. Political pluralism was recognized as a key public right. With respect to the freedom of religion, although Islam was the religion of the State as specified in the Constitution, and although over 99.7 per cent of Yemenites were Muslims, the small Jewish minority had its own rights and duties as Yemeni citizens and was free to practise its religion.

59. **Ms. Dempster** (New Zealand), speaking under agenda item 71 (c) and recalling the commitments made at the 2005 World Summit, said that the challenge now was to reach agreement by the end of the year on the mandate, size and functioning of the new Human Rights Council. For her delegation, it was essential that the new Council should be able to consider human-rights situations and make recommendations on them to Member States and other parts of the United Nations system, including the Security Council. Human rights were not just noble aspirations to be debated in the abstract. Neither should the Council's mandate be restricted to situations that were so grave that they could not be ignored. Her Government supported full and active consideration of all human-rights situations where there was evidence of serious violations.

60. Some countries were simply ignoring their human-rights obligations as Members of the United Nations and therefore deserved to be the object of international scrutiny. Other countries did not have the capacity to fulfil those obligations. Her Government supported greater availability of technical assistance to States that were trying to implement human rights through OHCHR and United Nations country teams, and welcomed the commitment made at the World Summit (General Assembly resolution 60/1, para. 124) to double the regular budget resources of OHCHR over the next five years. For its part, her Government was tripling its voluntary contribution and called on other Member States to enhance their regular contributions and work towards the universal application of all human rights.

61. Individual and collective failings undermined universal aims for peace, security and development. Human-rights abuses were not simply an internal matter for Member States: all countries had a responsibility to see that they were upheld. Her delegation therefore called on all Member States to support concerted, collective action on human-rights situations.

62. **Mr. Adekanye** (Nigeria), speaking under item 71 (e), said that his delegation took note of the report of the United Nations High Commissioner for Human Rights (A/60/36) and, with regard to measures to ensure the effectiveness and accountability of OHCHR, wished to reiterate a number of additional points. First, all OHCHR programmes and activities should, as far as possible, be funded by adequate resources from the United Nations regular budget. Nigeria supported an increase in the resources allocated to OHCHR, but emphasized that any such increase must not be at the expense of other priorities. Furthermore, OHCHR should allocate voluntary financial contributions in a balanced, impartial and comprehensive manner to all special procedures and mandate-holders. Nigeria was concerned by the non-representation or underrepresentation of several Member States, particularly developing countries, in the staffing of OHCHR and emphasized the importance of adhering to

the principle of equitable geographical distribution in order to further enhance staff diversity and professionalism and harmonize working methods.

63. Nigeria encouraged OHCHR to carry out its mandate in a comprehensive and balanced manner, giving due attention to advisory services and technical cooperation in order to enable Member States to build their machinery and advance human rights. The proposed operational deployment, country engagement and field presences should be in conformity with the Office's mandate and be carefully considered before implementation. Such activities also needed to be carried out through an intergovernmental process and in consultation with, and with the expressed consent of, the countries concerned. In that regard, his delegation hoped that the Committee would set a tone of partnership and cooperation, for a strong OHCHR would be an effective office.

64. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea), speaking under item 71 (b), said that some countries and groups were using the human-rights issue to advance their political aims and justify their illegal attempt to overthrow other Governments. Grave human-rights violations such as the illegal invasion of a sovereign State and the massacre of civilians were kept out of the discussion, while countries that defended their own systems and interests without yielding to foreign pressure were labelled as "human-rights violators" and "outposts of tyranny". Such a situation adversely affected international human rights activities; the politicization of human rights, double standards, selectivity, arrogant admonitions and open interference in other countries' internal affairs led to distrust and confrontation, while distorting reality, naming countries and "railroading" resolutions with recourse to military and economic strength did nothing to promote human rights. Unless United Nations reform included fundamental changes to the human-rights machinery, such rights would remain a mere tool in the hands of the major Powers and their satellite countries.

65. One of the main obstacles to the promotion of human rights today was that certain States were infringing upon the sovereignty of States and overthrowing Governments on the pretext of human-rights protection. The human-rights policy of the United States had reached a very dangerous phase, as under the cloak of "human rights" and "democracy", it was attempting to establish an American-style order in countries that were geopolitically or strategically important, or opposed to it. To that end, it attempted to overthrow Governments by fomenting internal discontent and social confusion, while isolating them internationally by tarnishing their image. It also asserted that for the sake of its "security" and "interests", it must "democratize" other countries by interfering in their internal affairs. However, the standard by which the United States judged "human rights" and "democracy" was whether the Government concerned was pro-American. Even if democracy was established in a country whose Government was anti-American, the United States said there was no democracy, and vice versa. The current situation in the Middle East and Central Asia showed that efforts by the United States to "export democracy" were the root cause of human-rights violations, territorial division and national and ethnic clashes.

66. A key example was the "North Korean Human Rights Act", adopted by the United States in 2004 to bring about regime change by inducing discontent in his country. The United States had said that the "end of tyranny" was the final goal of its Administration. It had also declared that it would use armed force if necessary and appointed a "Special Envoy for Human Rights in North Korea". However, it was up to the Democratic People's Republic of Korea to choose its own system of government. It also had a legitimate right to take defensive measures against any aggression by the United States. In order to defend the country's sovereignty and safeguard its citizens' freedom and security, his Government would be adopting a harder line towards manoeuvres by the United States to overthrow it.

67. The current situation in Iraq showed that even a country with a huge military capability could not solve problems through force. The "war against terrorism" had triggered discontent and given rise to a vicious circle of terrorism and retaliation. Attempts by the United States to overthrow existing Governments would have serious consequences for the international order. His delegation therefore urged the United States to stop seeking to subvert the system of sovereign States and turn instead to dialogue and cooperation.

68. The European Union was also guilty of double standards and selectivity. If its "human-rights standard" were fair, it would condemn human-rights violations by the United States, including its illegal aggression against Iraq and massacre of civilians.

However, it remained silent. Furthermore, every year it called for an "immediate settlement" to the kidnapping of around 10 Japanese citizens and yet said nothing about the abduction of over 8 million Koreans in the past by Japan. History would forever record its claim that the Iraqi aggression against Kuwait should be dealt with at a special session of the Commission on Human Rights, but that the United States invasion of Iraq should not be put on the agenda. It was therefore hypocritical for the European Union to comment on human-rights situations in other countries. The European Union had unilaterally given up bilateral human-rights dialogue with his Government and had "railroaded" the resolutions against his country in the Commission on Human Rights every year since 2003. The European Union was now desperate to submit another draft resolution in the General Assembly. It was ironic that the United Kingdom was taking the lead, given its colonial past.

69. It was widely known that the European Union sought to help justify illegal attempts by the United States to overthrow his Government by labelling his country a "human-rights violator" in resolutions of the Commission. His Government's total rejection of such resolutions remained unchanged. His delegation again urged the European Union to give up its biased policy towards his country and to behave responsibly.

70. His country had managed to advance along the road it had chosen without any socio-political disturbance and despite the political pressure, economic sanctions and military threats of foreign forces for the past 60 years because his Government had pursued a people-centred policy that enjoyed the full support of its citizens. The Government would continue to develop that policy while striving for global justice and the protection and promotion of human rights.

71. **Mr. Oshima** (Japan) said that the protection and promotion of human rights should remain high on the international community's agenda, as acknowledged by world leaders in the 2005 World Summit outcome document (General Assembly resolution 60/1). He listed three actions which, taken together, would improve the human-rights situation in individual countries: promoting mutual understanding through dialogue on each country's specific situation; cooperating with the country concerned in an effective and practical way to enhance human-rights protection; and voicing firm disapproval whenever there were cases of serious human-rights violations.

72. His country had followed that approach in addressing country situations in Asia and elsewhere, including Cambodia and Myanmar. In Cambodia, for example, it had provided assistance to help that country consolidate peace and move forward with its national reconciliation and reconstruction, as well as strengthen the rule of law. In the case of Myanmar, it continued to monitor closely the steps taken by the Government to implement policies put forward in the "seven-step road map".

73. The international community had repeatedly expressed concerns about the serious human-rights situation in the Democratic People's Republic of Korea, and the Commission on Human Rights had adopted a further resolution on that matter in 2005. In his report (A/60/306), the Special Rapporteur had pointed out that no progress had been made in resolving the issue of the Japanese nationals who had been abducted. Despite repeated requests from Japan on that issue, the Democratic People's Republic had failed to respond in good faith.

74. As to whether 8 million Koreans had been abducted in the past by Japan, he acknowledged that many people had been caught up in an unfortunate situation, for which his country had apologized. However, the numbers quoted were greatly exaggerated.

75. Japan welcomed the decision to create a Human Rights Council that would build on the strengths and overcome the weaknesses of the Commission on Human Rights. It also welcomed the agreement to strengthen OHCHR by providing it with an adequate structure and resources to facilitate the implementation of human-rights standards. The Plan of Action presented a strategic vision for the future work of the Office.

76. In its efforts to advance the implementation of human-rights standards, the international community must be guided by principles but yet be flexible enough to adapt to different circumstances.

77. **Mr. Bhurtel** (Nepal) said that the human-rights situation in his country had significantly improved and he was confident that, with the support of the OHCHR office in Nepal to complement national efforts, the situation would further improve.

78. His country was party to more than 16 international human-rights instruments and had submitted the relevant periodic reports. Despite the conflict situation in the country, his Government had been making efforts to fulfil its constitutional and international obligations under international humanitarian and human-rights law.

79. **Ms. Chenoweth** (Director, Liaison Office of the Food and Agriculture Organization of the United Nations (FAO)) said that she appreciated the participation of the Special Rapporteur on the right to food in the elaboration of the Voluntary Guidelines (to support the progressive realization of the right to adequate food in the context of national food security), adopted by the FAO Council in 2004. Implementing the Guidelines was the best way of ensuring that a State did its utmost to guarantee the right to food. She encouraged all States wishing to review their policies and legislation on food to acquaint themselves with the Guidelines. FAO was taking steps to mainstream the implementation of the Voluntary Guidelines in accordance with the Secretary-General's agenda for reform, in cooperation with other relevant United Nations bodies. It was grateful for Germany's support that allowed it to assist FAO member States to work with the Guidelines.

80. Two countries, Brazil and Sierra Leone, had made particular efforts to implement the right to food. Both countries had established innovative institutional mechanisms which monitored the food situation and gave policy advice. Other countries were adopting similar approaches and FAO looked forward to sharing the lessons learned regarding the implementation of the right to food.

81. FAO welcomed the attention given to indigenous peoples in the report of the Special Rapporteur on the right to food (A/60/350). The Voluntary Guidelines stressed respect for cultural values in food-security and food-aid policies and drew attention to the close links of many indigenous groups to the land they inhabited. Representatives of indigenous groups had participated in the elaboration of the Guidelines.

82. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that countries which should be denounced for their grave human-rights violations were disguising themselves as the protectors of human rights. In the United Kingdom, for example, racism, xenophobia and police cruelty against immigrants were commonplace. After joining forces with the United States in an unjustified war in Iraq, in which civilians had been massacred, the United Kingdom had lost its moral right to talk about human rights in other countries.

83. He said that it was paradoxical to hear a lecture on human rights from Japan, a country that had launched aggressive wars, killing millions of people and illegally drafting millions of Koreans. Although the representative of Japan had apologized for past crimes, he wondered if that was not mere lip-service. He wondered how many decades would pass before Japan truly accepted responsibility for its past.

84. **Mr. Oshima** (Japan), in response, said that in a joint statement issued at the conclusion of the six-party talks in September 2005 in Beijing, both Japan and the Democratic People's Republic of Korea had committed themselves to taking steps to normalize their relations. His country was ready to discuss outstanding issues in constructive bilateral talks. He agreed that the abduction of foreign citizens constituted a serious violation of human rights. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea had stated that no satisfactory statement had been given about abducted persons who had disappeared. He urged that the abducted survivors be allowed to return to their country.

85. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea) said that his country had done its best, but Japan had shown no willingness to resolve the issue. He agreed that the matter should be dealt with bilaterally, yet the Japanese delegation had referred the problem to the Commission on Human Rights on two occasions.

The meeting rose at 5.20 p.m.